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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,719	05/24/2006	Konrad Bleier	2003P01797WOUS	3887

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EXAMINER

FISHMAN, MARINA

ART UNIT

PAPER NUMBER

2832

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/580,719

**Applicant(s)**

BLEIER ET AL.

**Examiner**

MARINA FISHMAN

**Art Unit**

2832

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 05/24/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***General status***

1. This is a First Action on the Merits. Claims 14 -26 are pending in the case and are being examined.

### ***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities: The specification on pages 1, 2, 4 and 5 refers to Claim numbers, any reference to claims should be deleted.

Appropriate correction is required.

***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "striker can be lowered by a link mechanism", as recited in Claim 21, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 21 and 24 – 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21, it is not clear what is the structure of “link mechanism” recited in the claim.

Claim 24, line 5, recites “an electrical switch”, and line 9, recites “an electrical switch”. It is not clear if both the switches are the same. The Examiner interprets that both the switches are the same.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 14, 15 and 18 – 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Fitch [US 1,077,877].

Regarding Claim 14, Fitch discloses a switching device comprising: a movable switching element [N]; and an electrical switch [formed by terminals T or W] in operative

connection to the switching element, the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch.

Regarding Claim 15, Fitch discloses the movable switching element includes a striker [N] that can be displaced linearly against a biasing force of a spring [S].

Regarding Claim 18, the striker is operable to separate the operative connection between the switching element and the electrical switch.

Regarding Claim 19, Fitch discloses an arrangement for detecting at least two different positions of a movable door element [A], the arrangement comprising: a switching device having a movable switching element [I, N] and an electrical switch [T or W] in operative connection to the switching element, the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch, the door element and the switching device having an operative connection therebetween and the operative connection between the door element and the switching device being selectively separable.

Regarding Claim 20, Fitch discloses the movable switching element includes a striker [I] and the striker being movable out of a region of engagement of the door element by at least one of a displacement and a lowering movement.

Regarding Claim 21, Fitch discloses the striker can be lowered by means of a link mechanism [spring taken as link mechanism].

Regarding Claim 22, Fitch discloses the operative connection between the switching device and the door element can be separated by exposing a depression [A']

arranged in the door element to partly receive the striker.

Regarding Claim 23, Fitch discloses the depression can be exposed by means of a slider [C] arranged in the door element.

9. Claims 14, 15 and 17 - 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider [DE 32 22 056].

Regarding Claim 14, Schneider discloses a switching device comprising: a movable switching element [2]; and an electrical switch [5, 6] in operative connection to the switching element, the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch.

Regarding Claim 15, Schneider discloses the movable switching element includes a striker [18] that can be displaced linearly against a biasing force of a spring [4].

Regarding Claim 17, Schneider discloses the striker is rotatable about its longitudinal axis [see English abstract].

Regarding Claim 18, Schneider discloses the striker is operable to separate the operative connection between the switching element and the electrical switch.

Regarding Claim 19, Schneider discloses an arrangement for detecting at least two different positions of a movable door element [door not shown], the arrangement comprising: a switching device having a movable switching element [2, 3] and an electrical switch [5, 6] in operative connection to the switching element, the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch, the door element and the switching device

having an operative connection therebetween and the operative connection between the door element and the switching device being selectively separable.

Regarding Claim 20, Schneider discloses the movable switching element includes a striker [18] and the striker being movable out of a region of engagement of the door element by at least one of a displacement and a lowering movement.

Regarding Claim 21, Schneider discloses the striker can be lowered [or displaced] by means of a link mechanism [spring taken as link mechanism].

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider [DE 32 22 056] in view of Michael [DE 43 09 132].

Regarding Claim 16 Schneider discloses the instant claimed invention except for: the electrical switch has a displaceable switching pin which can be actuated by a trip cam provided on the outer circumference of the displaceable striker. Michael discloses the electrical switch has a displaceable switching pin [21] which can be actuated by a trip cam [notch] provided on the outer circumference of the displaceable striker [20]. It would have been obvious to one of ordinary skill in the art at the time the invention is made to provide the electrical switch of Schneider with a displaceable switching pin which can be actuated by a trip cam provided on the outer circumference of the



displaceable striker as suggested by Michael, in order to have multiple terminal connection available to the switch.

12. Claims 24 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Fitch [1,077,877].

Regarding Claims 24 – 26 the Admitted Prior Art, instant specification page 1, lines 24-31 discloses a household appliance comprising: at least one electrical load in the form of a selected one of an electrical interior light and an electrical load that is not an electrical interior light. However, the Admitted Prior art does not disclose the electrical load being actuatable by a selected one of a switching device. Fitch discloses a switching device having a movable switching element [I] and an electrical switch [T, W] in operative connection to the switching element with the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch and an openable door [A] element arrangement including a switching device having a movable switching element [C] and the electrical switch in operative connection to the switching element with the switching element being operable to selectively separate the operative connection between the switching element and the electrical switch and the door element and the switching device having an operative connection therebetween and the operative connection between the door element and the switching device being selectively separable.

Regarding Claims 25 and 26, the Admitted Prior Art and Fitch disclose the switching-on and switching-off function for the at least one electrical load can be

deactivated by separating the operative connection between the switching element and the electrical switch [by use of door element C].

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jacaman [US 2,873,333], Chahley et al. [US 4,726,063], Bognar [US 3,624,330], all disclose switching elements. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, , these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is (571)272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2832

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marina Fishman/  
Examiner, Art Unit 2832  
February 25, 2008

/K. Richard Lee/

Acting SPE of Art Unit 2832